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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

**State of Michigan
Department of Environmental Quality
Waste and Hazardous Materials Division
Draft
Redesignation Approval for
Wayne Disposal, Inc. (WDI), Arkona Road Landfill, Milan, Michigan
MID 000 718 726**

According to the provisions of R 299.9211(1)(a) of the administrative rules promulgated pursuant to Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), WDI is granted a redesignation approval (Approval) by the Director of the Department of Environmental Quality (DEQ) for leachate from solid waste mixed with listed hazardous waste from the closed hazardous waste landfill cell (Delisted Material), as conditioned below, at the facility located at 5400 Arkona Road, Milan, Michigan. The Delisted Material, listed as a hazardous waste according to the provisions of R 299.9213 of the Part 111 Rules and identified by the hazardous waste number F006, is now redesignated as a liquid industrial waste, as defined by Part 121, Liquid Industrial Wastes, of Act 451. Since the Delisted Material does not contain concentrations of contaminants that must be managed at a licensed hazardous waste management facility, the DEQ Director is hereby granting a redesignation pursuant to the following conditions:

1. The Approval is based on the information submitted to the DEQ by WDI in the Delisting Petition received March 21, 2005 (Delist Petition). If information obtained by the DEQ shows that information in the Delist Petition is erroneous, inaccurate, or otherwise unreliable, the Director may amend or revoke this Approval pursuant to R 299.9211(2) of the Part 111 Rules.
2. The Director may amend or revoke this Approval if future analytical results demonstrate trends that indicate that a concern exists for human health or the environment.
3. The Delisted Material or residual derived from the treatment of the Delisted Material that does not exhibit a characteristic of a hazardous waste, if required to be managed off site, shall only be disposed of at a facility designated to accept liquid industrial waste or a Type II solid waste landfill licensed pursuant to Part 115, Solid Waste Management, of Act 451, and in accordance with all applicable county solid waste planning requirements or at an out-of-state facility in accordance with that state or country's applicable regulations. Other methods of disposal must be approved by the Director prior to off-site transportation.
4. This Approval does not preclude WDI from disposing of the Delisted Material, or residuals from treatment of the Delisted Material, in accordance with Part 111 at a properly licensed hazardous waste treatment, storage, or disposal facility or at an out-of-state facility in accordance with the federal Resource Conservation and Recovery Act of 1976 (RCRA) and that state or country's applicable hazardous waste regulations.
5. WDI shall sample and analyze the Delisted Material quarterly for a period of one year after the effective date of this Approval to confirm concentrations of contaminants remain consistently below the levels listed in Appendix A of the Approval. Grab samples shall be collected via piping approximately three feet from the bottom of the 100,000-gallon storage

tank. Results of the sampling shall be reported to the Chief of the Waste and Hazardous Materials Division (WHMD) within 60 days after each sampling event. After one year, Delisted Material may be monitored semiannually, and the results shall be reported to the Chief of the WHMD within 90 days after each sampling event. After three years, the Delisted Material may be monitored annually, and the results shall be reported to the Chief of the WHMD within 90 days after each sampling event. In the event that the Delisted Material level in the 100,000-gallon storage tank remains below the sample pipe during the applicable sampling period, the collection and analysis of samples will not be required.

6. WDI shall inspect the 100,000-gallon Delisted Material storage tank system, remedy any deterioration or malfunction of equipment or structures, and document inspections and remedies in accordance with the inspection schedule, below, and the provisions of Title 40 of the Code of Federal Regulations (CFR), Section 264.15, which is adopted by reference (ABR) in R 299.11003, except that inspections normally required daily may be done weekly.
 - a. Aboveground portions for any corrosion or releases of Delisted Material.
 - b. Overfilling and overfill controls, auto-dialer alarm, and high-level tank alarm.
 - c. Data from monitoring and leak detection equipment, to ensure that the tank is operating in accordance with its design.
 - d. The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system, to detect erosion or signs or releases of Delisted Material.

WDI shall document, in the operating record of the facility, inspections of the items listed above.

7. WDI shall operate and maintain the 100,000-gallon Delisted Material storage tank and its secondary containment system in accordance with the applicable requirements of R 299.9615 and 40 CFR, Sections 264.193 and 264.194, which are ABR in R 299.11003.
8. WDI shall manage the 100,000-gallon storage tank system in accordance with the requirements of R 299.9615 and 40 CFR, Sections 264.194 and 264.196, which are ABR in R 299.11003.
9. WDI shall operate and maintain the 100,000-gallon storage tank in compliance with the requirements of R 29.4101 through R 29.4504 pursuant to the provisions of the Fire Prevention Code, 1941 PA 207, as amended. {R 299.9615}
10. WDI shall label the 100,000-gallon storage tank system in accordance with the provisions of National Fire Protection Association Standard No. 704. {R 299.9615(5)}
11. WDI shall remove spilled or leaked Delisted Material and accumulated precipitation from the tank system's secondary containment within 24 hours of detection and manage it in accordance with the requirements of Part 111 of Act 451 and its rules. {R 299.9521(3)(b), R 299.9615, and 40 CFR, Section 264.193(c)(4), which is ABR in R 299.11003}
12. Violations of this Approval are subject to the enforcement provisions of Part 111, RCRA, and other applicable laws. Moreover, the Director may amend or revoke this Approval in accordance with the requirements of R 299.9211(2).

13. Nothing in this Approval shall affect or limit the DEQ's ability to bring any claim or causes of action or take administrative or judicial action allowed by law against any party.

The effective date of the Approval is the date signed by the Chief of the WHMD as delegated by the Director in accordance with Delegation Letter No. WMD-111-02, dated November 30, 1999, which was transferred to the WHMD by Delegation Letter No. WHMD-01, dated September 15, 2002.

State of Michigan
Department of Environmental Quality

George W. Bruchmann, Chief
Waste and Hazardous Materials Division

Date: _____

Appendix A
Maximum Allowable Concentrations of Contaminants

Toxicity Characteristic Leaching Procedure
Extract Concentrations (Milligrams/Liter)

Arsenic	5
Vinyl Chloride	0.2
Lead	5
Cyanide	1.2